Court No.2

Civil Misc. Petition No. 192 (M/S) of 2001

Rakesh Kumar …… Petitioner

Versus

Civil Judge (Sr. Division),
Hardwar and another, ……. Respondents.

……..

Hon'ble P.C. Verma, J.

Heard learned counsel for the petitioner as well as Sri Lokpal Singh, learned counsel for respondent No.2.

The lower court has rejected the application of the petitioner for interrogatories on the ground that in the application full description and details have been given, which can be brought on record as evidence under the Rent Control Act. In my opinion, the order of the lower Court is correct as I find that the interrogatory moved by the applicant/petitioner gives full and detailed particular of the facts, which he wants to be proved. If those facts are stated in the affidavit which is mode of evidence under the Rent Control Act, the same shall either be admitted or shall be denied and in case it is denied then that will be appropriate stage to move fresh interrogatory. At this stage, without filing the same as evidence by way of affidavit it cannot be said that it would be denied or no reply would be given by the petitioner which will make the petitioner unable to prove his facts which he wants to prove. Therefore, let the proceedings before the court below may go on and the petitioner may file affidavit asserting all the facts and if need b, he may move in future a fresh interrogatory, if so required in view of the stand taken by the landlord/respondent in response to his affidavits.

With the aforesaid observations, the petition is disposed of finally.

(P.C. Verma, J.)

01.4.2002
P. Singh